



ENVIRONMENTAL ASSESSMENT BOARD

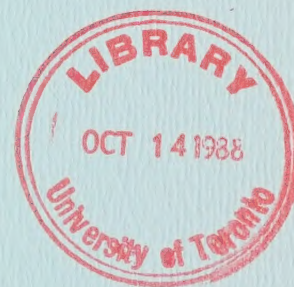
VOLUME: LI

DATE: September 28th, 1988

BEFORE: M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member



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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council
(O.C. 2449/87) authorizing the
Environmental Assessment Board to
administer a funding program, in
connection with the environmental
assessment hearing with respect to the
Timber Management Class
Environmental Assessment, and to
distribute funds to qualified
participants.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St., Thunder
Bay, Ontario, on Wednesday, September 28th,
1988, commencing at 10:05 a.m.

VOLUME LI

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH)	RESOURCES
MS. K. MURPHY)	
MR. B. CAMPBELL)	MINISTRY OF ENVIRONMENT
MS. J. SEABORN)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. J. WILLIAMS, Q.C.	ONTARIO FEDERATION OF
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MR. D. HUNTER	NISHNAWBE-ASKI NATION
	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF
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MR. R. BARNES)	ASSOCIATION
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MR. B. McKERCHER)	OUTFITTERS ASSOCIATION
MR. L. GREENSPOON)	NORTHWATCH
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APPEARANCES: (Cont'd)

MR. J.W. ERICKSON, Q.C.) MR. B. BABCOCK)	RED LAKE-EAR FALLS JOINT MUNICIPAL COMMITTEE
MR. D. SCOTT) MR. J.S. TAYLOR)	NORTHWESTERN ONTARIO ASSOCIATED CHAMBERS OF COMMERCE
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MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
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MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
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MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY
MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON

(iii)

APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO
TOURISM ASSOCIATION



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(iv)

I N D E X O F P R O C E E D I N G S

Witness:

<u>JOHN R.E. KENRICK,</u> <u>M. MELVIN CRYSTAL,</u> Resumed	8695
Re-Direct Examination by Mr. Freidin	8695

(v)

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
265	Revised Figure 27.	8733

1 ---Upon commencing at 10:05 a.m.

2 THE CHAIRMAN: Thank you, ladies and
3 gentlemen. Good morning.

4 Good start. Well, it looks like our
5 front benches are somewhat depleted. Is there anyone
6 we are waiting for before we start?

7 (No response)

8 THE CHAIRMAN: Mr. Freidin, are you ready
9 to go?

10 MR. FREIDIN: One second, please.

11 JOHN E. KENRICK,
12 M. MELVIN CRYSTAL, Resumed

13 RE-DIRECT EXAMINATION BY MR. FREIDIN:

14 Q. Mr. Kenrick, my first question is for
15 you. On September the 7th, Mr. Williams asked you
16 whether expenditures reflect the true value of the
17 resource. Maybe I should refer you to the actual
18 transcript, and I am going to quote from 7575, line 18,
19 to page 7576 line 10. The question was:

20 "Do expenditures reflect the true value
21 of a resource?

22 A. No, I don't believe so. Again,
23 I believe there are values placed on
24 certain resources that are non-economic
25 in nature.

1 Q. And yet throughout your testimony you
2 have been using expenditures as a measure
3 of value; is that not a fair observation?

4 A. I have used statements of value where
5 I can find them and one of the common
6 ways of giving relative values to
7 resources is to, in part, refer to direct
8 expenditures, if you will. But there is
9 an attempt in the report to deal with the
10 much less precise values of peace of
11 mind. I think there was a piece of my
12 evidence, I am sure there was a piece of
13 my evidence that talked about the value
14 that people place on some of the
15 protection objectives the Ministry has."

16 Now, when you made that statement, Mr.
17 Kenrick, were the values ascribed to some of the
18 protection objectives and to which you were referring
19 to, were they economic or non-economic?

20 MR. KENRICK: A. The protection
21 objectives I was referring to were non-economic. It
22 was the value of protecting for the sake of protecting.

23 Q. Perhaps you can just describe the
24 protection values that are addressed by the Ministry
25 which would fall into the category of non-economic?

1 A. It is not in one place in the report,
2 it is scattered through it. The attempt in trying to
3 describe...

4 Q. I don't necessarily have to have you
5 refer to something that you put in the report, if you
6 can answer the question without reference to the
7 report. I was wondering whether you could sort of
8 describe or give the Board some sense of how protection
9 values are addressed by the Ministry of Natural
10 Resources, and the values I am referring to are the
11 values you have just said would fall into the
12 non-economic category?

13 A. The portions of my text that would
14 address that rare and endangered and threatened
15 species, the provincial parks program, the discussion
16 about protection objectives in that program, the
17 discussion about the areas of natural and scientific
18 interest.

19 The last section in the report where it
20 talks about some of the feelings and uses of wildlife
21 that are more vicarious, those were all elements of
22 trying to demonstrate that there was a value placed on
23 it that was non-economic, that was protection value.

24 Q. Thank you. Now, before the exchange
25 between you and Mr. Williams that I just referred you

1 to, there was a long series of questions as to whether
2 your report emphasized utilitarian value of the
3 resource or the intrinsic value of the resource.

4 In addition, you were asked which was
5 more germane to the undertaking, and you answered at
6 page 7564 of the transcript:

7 "I am not sure I could agree that either
8 one was more germane than the other
9 one. I think they are two components,
10 both of them important."

11 Now, in answering those questions from
12 Mr. Williams what do you understand the term
13 utilitarian and intrinsic to mean?

14 A. Utilitarian, the definition, a value
15 put on the resource through the use of it. The other
16 part of your question, a value put on a resource
17 because of an inherent value of just possessing the
18 resource, the resource existing, if you will.

19 Q. That later comment then applying to
20 what you meant by intrinsic value?

21 A. Correct.

22 Q. Thank you. Again for you, Mr.
23 Kenrick. You made reference in your evidence to
24 put-and-take lakes a number of times. Could you please
25 explain what a put-and-take lake is?

1 A. Generally, lakes that are stocked,
2 generally not naturally reproducing and the stocks are
3 kept up in the lake to satisfy a large demand for
4 angling. As an illustration, the town I live in has a
5 small lake in the middle of town that generates a great
6 many angling opportunities and it is a put-and-take
7 lake.

8 Q. Thank you. Again for you, Mr.
9 Kenrick. At page 7647 of the transcript for September
10 the 8th, Mr. Williams questioned you regarding the
11 relationship between timber management planning and
12 activities in wildlife management units, and I just
13 want to quote to you from 7647 beginning at lines 20
14 over on to the next page ending at page -- pardon me,
15 at line 4.

16 "To your knowledge, in the timber
17 management planning process, are the
18 activities in this area, the wildlife
19 management units, taken into
20 consideration in a reciprocal way? Do
21 they both take into account what is going
22 on or does the left hand not know what
23 the right is doing as far as the
24 continuing impact of one upon the other?"
25 And you answer:

1 "The left hand does know what the right
2 right hand is doing."

3 And I would ask you, Mr. Kenrick, whether
4 you could explain how, at the district level, that
5 occurs?

6 A. To a large extent through the use of
7 planning teams, if a forest -- if a timber management
8 plan were being prepared, the members on that planning
9 team would be the same staff members that would be
10 working with the information that came off the wildlife
11 management unit.

12 Q. Thank you. Mr. Kenrick, do you
13 recall a line of questioning and a discussion about
14 including, as expenditures by tourists, money spent by
15 someone who travelled more than 40 kilometres to the
16 place where the expenditures actually occurred?

17 Do you recall that discussion?

18 A. Yes.

19 Q. Now, in terms of economic benefit to
20 the local economy or to a local economy, for example,
21 let's say you have got a bait fish operator in Pembroke
22 or Sault Ste. Marie or Kenora, does it make any
23 difference whether a dollar comes from 40 kilometres
24 away or 400 kilometres away, in your view?

25 A. Not to the local economy. The dollar

1 is a new dollar in town, if you will.

2 Q. Thank you. Again for you, Mr.
3 Kenrick. There was an exchange with Mr. Colborne
4 regarding the accuracy of some of the information the
5 Ministry has available, and I want to refer you to your
6 response at page 7687 of the transcript. Your response
7 to that line of questioning was -- you said:

8 "I think the level of accuracy has got a
9 lot to do with how you were going to use
10 the information."

11 And what I would like to know is what did
12 you mean by that, that the level of accuracy has a lot
13 to do with how you were going to use the information?

14 A. I believe my answer to that would be
15 when I was dealing with collecting information for
16 things like the strategic planning exercise or the
17 nature of my evidence as an overview, I could live with
18 estimates and broad numbers.

19 If I was dealing on an individual
20 management unit, I would probably want to have detailed
21 numbers with more precision. If I was dealing at a
22 level that was a portion or a piece of a management
23 unit, I would like again to have improved numbers, more
24 detailed. That's all I meant there.

25 Q. Okay, thank you. During his

1 review -- this is for you, Mr. Crystal. During his
2 review of your curriculum vitae, Mr. Colborne was
3 asking about your CV, you described the changes in the
4 Ministry's administrative structure due to the creation
5 of the Ontario Native Affairs Directorate and your
6 changed role due to that development.

7 You were asked, and I am quoting:

8 "Who else in the Ministry deals with
9 native questions?"

10 And you said:

11 "All of us do."

12 Can you advise me what you meant by that
13 comment?

14 MR. CRYSTAL: A. Okay. First of all, is
15 there some way of turning down the volume or something,
16 the feedback is driving me crazy?

17 THE CHAIRMAN: It is up here in the
18 front.

19 MR. CRYSTAL: That is better. That is
20 better for me anyway. Is it good for you?

21 MR. FREIDIN: Wait until I hear the
22 answer.

23 MR. CRYSTAL: I think just in your
24 question to me now you talked about the creation of the
25 Ontario Native Affairs Directorate being the

1 restructuring and I certainly wasn't talking about a
2 restructuring when the Ontario Native Affairs
3 Directorate was created, that was some time ago.

4 I think the restructuring I was referring
5 to is the transfer of responsibility for addressing
6 Indian land claims from the Office of Indian Resource
7 Policy within the Ministry of Natural Resources to the
8 Ontario Native Affairs Directorate, not the creation of
9 the Ontario Native Affairs Directorate.

10 MR. FREIDIN: Q. All right.

11 MR. CRYSTAL: A. Okay. Getting back to
12 your question. When I said we all do, I think that one
13 of the reasons that this restructuring took place was
14 because it was felt that there was a single repository
15 of expertise within the Ministry of Natural Resources
16 relating to native issues and that when native issues
17 came up, quite often they got delivered up to that
18 office when perhaps they could have been dealt with
19 better at the location where they arose.

20 I think part of the reason for that
21 restructuring was to try to decentralize the expertise
22 and familiarity with native issues.

23 So when I said we all do, I was being a
24 little bit glib I think, but certainly it is the
25 intention of the Ministry of Natural Resources to have

1 everyone in the Ministry of Natural Resources familiar
2 with native issues, competent to deal with them and
3 comfortable in dealing with them, and I think it is our
4 desire that that occur.

5 Q. Thank you. Now, exhibit -- I
6 probably turned it right off right now. Am I coming
7 through on this? I don't need it.

8 Exhibit 219, Mr. Crystal, was a
9 government -- Ontario government document dated July,
10 1979 and it was tendered by Mr. Colborne subject to
11 later proof regarding its identification as Ontario's
12 negotiation position on wild rice since August of 1979.

13 Mr. Colborne indicated and he made a
14 comment about that position in the transcript at page
15 7881 and this is Mr. Colborne speaking. He says to
16 you:

17 "In relation to that document that that
18 position..."

19 Mr. Crystal, perhaps if you need to refer
20 to the transcript to understand my question to get the
21 context, perhaps you can refer to it then.

22 A. Okay.

23 Q. Mr. Colborne indicated in relation to
24 that position set out in that August, '79 document
25 that:

1 "That position has never been taken off
2 the table and is so unreasonable from the
3 point of view of Treaty No. 3 that that's
4 the reason there has been no progress."

5 And your response at page 7883 and lines
6 12 to 20, this is what you said:

7 "Mr. Colborne, you are probably also
8 aware of a draft Memorandum of
9 Understanding on wild rice that Grand
10 Council Treaty No. 3 and Ontario worked
11 on for some time and I think that perhaps
12 that's - I don't have a copy of that
13 with me today - but I think that may, to
14 some extent, be representative of the
15 tenure of the discussion that has taken
16 place on the issue, probably more so than
17 this document."

18 Now, I don't have that document, that
19 memorandum with me here today so I can show it to you,
20 Mr. Crystal, but without looking at it, your answer
21 suggests that there was a change in the tenure of the
22 discussion regarding wild rice between the 1979
23 document and the more recent draft Memorandum of
24 Understanding on wild rice that you referred to.

25 Without that document, that latter

1 document being here, can you give some indication how
2 the tenure changed?

3 A. Well, I think that probably in the
4 interim the Ontario government has become willing to at
5 least enter into discussions or negotiations concerning
6 a treaty right on the part of Grand Council Treaty No.
7 3 to the harvest of wild rice.

8 Now, just what exactly that might mean
9 would certainly be a matter that would have to be
10 delineated through the discussion or through the
11 negotiation. But I think that it is clear from that
12 document that Ontario is very open to entering into
13 those discussions to see where they might take us.

14 Q. Thank you. Mr. Crystal, during your
15 evidence you indicated that the attempts made in 1982
16 and 1987 to reach an agreement on an Indian fishing
17 matter -- I mean, Indian fishing agreement was met with
18 very strong non-native reaction, I think those were
19 your words.

20 And because of Ontario's belief that it
21 is necessary to balance the interests of all the people
22 of Ontario, it was decided that the views of non-native
23 population on this matter should be canvassed.

24 I am wondering, Mr. Crystal, could you
25 advise what was contained in this proposed fishing

1 agreement that resulted, in your opinion, in this very
2 strong non-native reaction?

3 A. Okay. When we are talking about a
4 fishing agreement we can really only talk about the
5 1982 experience because the 1987 experience was only
6 one where we were beginning to ready ourselves for such
7 negotiations and, in the process of readying ourselves,
8 we thought it was important to begin a discussion with
9 the public on the issues and it was through that
10 discussion that we received this very strong non-native
11 reaction just to the general idea of an Indian fishing
12 agreement.

13 So I can't really comment about what was
14 in the agreement for the 1987 experience because the
15 discussion never matured into an agreement. But for
16 1982, there was an agreement that was negotiated and
17 signed by all the parties except for Canada, and I
18 believe that there was very strong negative reaction by
19 non-native interests to that agreement and I think that
20 one of the elements that there was a strong negative
21 reaction to was the concept of exclusive areas for
22 Indian fishing, that there would be areas which were
23 not part of an Indian reserve which -- for which only
24 Indian people would be allowed to fish.

25 Now, these areas, as I understand it,

1 were not actually delineated in the agreement itself,
2 but rather it was suggested that the parties will come
3 to agreement on where those areas might be.

4 I think -- see, 1982 was before my time,
5 I wasn't personally involved in it. I have only read
6 about it and heard people talk about it, so my
7 knowledge isn't really first hand.

8 But it is my understanding that in that
9 agreement there was a provision for different sorts of
10 zones and some zones would be for everyone to fish and
11 some zones would be for, I think, a certain proportion
12 of Indian fishing and certain zones would be for
13 exclusive Indian fishing. And I think this concept of
14 there being zones, which covered waters, the beds of
15 which were Crown land, at least from Ontario's
16 perspective and from the perspective of those people,
17 that there should be such areas where they would not
18 have the right to fish was a matter of great concern to
19 them.

20 Q. Thank you. Mr. Kenrick, on September
21 the 16th Mr. Castrilli asked you a series of questions
22 in relation to wetlands. Let me just read to you the
23 series of questions and answers which begin on page
24 8229, line 20, and go over to 8230, line 11.

25 "Q. Mr. Kenrick, generally would you

1 agree with me that wetlands are important
2 biological communities?

3 A. That is my understanding.

4 Q. Would they be important in relation
5 to such matters as maintaining water
6 quality?

7 A. One of their purposes, that is my
8 understanding.

9 Q. Maintaining species diversity?

10 A. One of their purposes, that is my
11 understanding.

12 Q. Prevention of flooding?

13 A. Yes.

14 Q. Provision of food source and habitat
15 regarding birds, animals and fish?

16 A. Yes."

17 Mr. Kenrick, can you advise me, are your
18 answers to be taken as stating that each individual
19 wetland would be important because it serves all of the
20 purposes referred to or because it serves at least one
21 of the purposes referred to?

22 MR. KENRICK: A. I believe most wetlands
23 would serve, to varying degrees, all of those purposes.

24 Q. Thank you. Mr. Castrilli asked you a
25 number of questions arising out of Exhibit 236, Mr.

1 Kenrick, and that was the article entitled Wildlife
2 Management for Non-Consumptive Use.

3 I think Dr. Edwards was involved in
4 preparing that particular document. Now, in that paper
5 certain observations or comments were made by Dr.
6 Edwards including the number of people involved with
7 non-game as opposed to game species. Do you recall
8 that--

9 A. Yes.

10 Q. --evidence? You were asked whether
11 you agreed with Dr. Edwards' assessment made in one
12 part of his report.

13 I want to refer you to what you said at
14 page 8262, the transcript for September the 16th,
15 beginning at line 1 and going through to line 15. This
16 was a comment about the sorts of budgets there were for
17 small game, how many people were involved in the
18 non-game program. You said:

19 "There seems to be a going back and forth
20 here between level of staffing and
21 budgets first of all...I wouldn't agree
22 that there is only one permanent
23 employee, a non-game biologist who has
24 responsibility for, if you will,
25 non-game interests. That is a reflection

1 of main office co-ordination and what it
2 very much leaves out...I am not
3 questioning the general thread of this,
4 what I am questioning is there is a lot
5 of non-game activity that goes on out in
6 the field that isn't under a specific
7 non-game budget."

8 Could you please provide the Board with
9 some sense of what you were referring to when you said
10 that there was a lot of non-game activity that goes on
11 out in the field that isn't under a specific non-game
12 budget?

13 A. Perhaps with some illustrations would
14 be the best way to do that. Support for the Breeding
15 Bird Atlas program when it was ongoing, the Ministry
16 provided the jurisdiction that I was working in,
17 aircraft travel and support -- transportation support
18 for that program. I don't think that would show up
19 specifically under the non-game -- any non-game vote
20 but it certainly was costly.

21 Inventories that are done quite regularly
22 in most of the administrative districts on non-game
23 species, such as ospreys, herons and eagles, and I
24 would be very surprised if those costs were captured
25 under non-game.

1 When I was in Moosonee, there was work
2 done in inventories done on sand hill cranes and tundra
3 swans.

4 Projects like support for the Ministry's
5 involvement in support for the Carolinian Canada
6 project, the purchase of the Alfred bog that we had an
7 involvement with, that was in the newspaper yesterday I
8 believe, projects that are sponsored by the Ministry
9 under the Community Wildlife Involvement Program, a
10 cooperative program of public groups, the Renewable
11 Resources Research Grant Program.

12 I looked at the list -- the most recent
13 list of funding that was allocated for that just the
14 other day and a good number of the items on there were
15 non-game projects.

16 In addition to that, it isn't as simple
17 as splitting it out, these animals are non-game and
18 these animals are game animals. There are management
19 activities in the Chapleau Crown Game Preserve I am
20 aware of which are directed towards moose but are
21 non-game in nature, such as encouraging viewing, and
22 those costs are hard to capture.

23 Q. The examples that you gave or the
24 illustrations that you gave, were those illustrations
25 in which the contribution or the involvement of the

1 Ministry occurred from, was it only the Wildlife
2 Branch, or did that involve other branches or programs
3 within the Ministry?

4 In other words, I am asking you: Do
5 other ministries or parts of the Ministry other than
6 the Wildlife Branch get involved in relation to
7 non-game activity?

8 A. Yes, some of the -- in some cases it
9 would be park staff doing various types of inventories
10 through the Outdoor Recreation Program, the
11 Conservation Authority Program, their involvement in
12 some of their holdings in southern Ontario, and the
13 Wildlife Program.

14 Q. Thank you. Now, Mr. Kenrick, you
15 were asked by Mr. Castrilli whether it behooved the
16 Ministry to contemplate sorting out a way in its
17 budgetary program to identify precisely how many
18 resources were going to non-game as opposed to game.

19 And your response indicated that if that
20 occurred that you would have sort of another little
21 number in the code, but that that would give you less
22 flexibility.

23 Do you recall that line of questioning?

24 A. That's correct.

25 Q. Would that reduction in flexibility

1 be, from your perspective, Mr. Kenrick, a positive or a
2 negative development?

3 A. A negative development.

4 Q. Why?

5 A. In my mind, it flies in the face of
6 concepts like integrated resource management where
7 staff from different services can cooperate and do
8 perhaps several jobs at one time. A crew going out to
9 look at resource type A can also be carrying out some
10 inventory on resource type B.

11 And the more I get tied up funding those
12 kinds of things in little blocks of money that are
13 harder to move around, the more difficult that becomes.

14 Q. Thank you. Mr. Kenrick, as a result
15 of a question from Mr. Castrilli in relation to areas
16 of natural and scientific interest, there was an
17 undertaking to produce the site district reports in
18 relation to those areas, but just for the year 1977/78.

19 Now, in response to the question about
20 those site district reports which led to the
21 undertaking being given, you said, and I am quoting
22 you:

23 "I am not sure this information would
24 give you the total picture of what the
25 Ministry does re: protection."

1 My question is: Why don't the production
2 of those documents give a total picture of what the
3 Ministry does re: protection, and could you provide
4 whatever information you can which will sort of fill
5 out the picture, if not wholly, at least partially?

6 A. I am not sure of the context the
7 question was asked in, I am sorry. Site district
8 reports, I just don't recall that line of questioning.

9 Q. All right. Unfortunately I can't go
10 to the transcript because I don't have the transcript
11 for that. Let me see if I can be of some assistance.

12 I think just before you gave the
13 undertaking about the site district -- do you
14 understand what I am referring to when I refer to the
15 site district reports?

16 A. No, that is where...

17 Q. Is that the problem?

18 A. Yes.

19 Q. I think I will leave the question and
20 we will just move on--

21 A. Okay.

22 Q. --rather than having you try to
23 retrain my mind to exactly what happened.

24 Mr. Kenrick, Mr. Hunter asked you
25 questions about the type of information that you have

1 collected and whether you made technical decisions.
2 And in response to a question regarding whether you are
3 an expert in information -- in the information you
4 collect, you said:

5 "I understand the information and know
6 how to use it to make management
7 decisions."

8 Can you advise me, Mr. Kenrick, when as a
9 manager, you make management decisions, do you do it
10 all by yourself in a vacuum?

11 A. No. You have the benefit in a
12 planning exercise of the skills of that planning team
13 which bring with them some of the data expertise that
14 is needed. Just as important in my mind, when you are
15 making those management decisions there is a whole
16 other side of information that has an effect on how you
17 make the decision and that is the public concerns, the
18 issues, the community, if you will.

19 Q. Thank you. Again to you, Mr.
20 Kenrick. In response to a question from Mr. Hunter you
21 said or agreed that most data is collected on a program
22 basis. Do you recall that?

23 A. Yes.

24 Q. Can you advise me when information is
25 collected on a program basis, is the information ever

1 used to make resource management decisions in other
2 program areas?

3 A. Most certainly. The fact that it is
4 collected by one service, it becomes part of a common
5 pool of information that everybody draws on.

6 Q. Can you just give me an example of
7 how that might occur?

8 A. The FRI information that would be
9 deposited in a district would be used by biologists in
10 assessing habitat types. To the forester it may be
11 stand information, to the biologist it may be habitat
12 information, but the base may be the same.

13 Q. Along the same lines Mr. Hunter
14 referred you to the list of references for your paper,
15 which is found at page 157 of the witness statement,
16 and he, I guess, had done some sort of calculation and
17 he said that of the 62 documents which were there he
18 said 33 were MNR, 8 from other government agencies and
19 then he asked - I think I got his question down:

20 "Is it fair to say that your report is
21 based on the MNR database?"

22 Could you advise me, Mr. Kenrick, when
23 MNR is collecting information from sources other than
24 the Ministry of Natural Resources or other than the
25 collection itself for use in making management

1 decisions, do you consider it as part of the Ministry's
2 database?

3 A. In spite of the fact we didn't
4 collect it, I would still consider it part of our
5 database, yes.

6 Q. Mr. Kenrick, you were asked a series
7 of questions by Mr. Campbell about notice in relation
8 to timber management planning that might be given. Do
9 you recall...

10 A. Yes, sir.

11 Q. Now, there was a discussion about
12 remote communities in that questioning and perhaps
13 could you just advise me what you mean by a remote
14 community? Is there some sort of criteria which would
15 indicate what is a remote community and what is not?

16 A. Again, my definition is probably
17 coloured by my own experiences and when I use that term
18 generally I was referring to, I guess we call it an
19 extreme in remoteness, non-road accessible, largely
20 native communities in the far north.

21 Q. Now, Moosonee where you have had a
22 fair bit of experience is outside the area of the
23 undertaking?

24 A. Correct.

25 Q. Now, if you go to the area of the

1 undertaking and you deplete the area of the undertaking
2 say from the western boundary right through to the
3 eastern boundary and down to the south, are there many
4 areas -- pardon me, are there many remote communities
5 as you have defined them in the area of the
6 undertaking?

7 A. Not to the -- in my mind, not to the
8 same extent remote. First of all, there is road access
9 to most. When you are referring to remote, to my mind,
10 it also means distance from sort of the Ministry office
11 and the place that we do business from. And most --
12 the density of our offices, for instance, south of that
13 are probably between 150 and 100 miles apart, in most
14 cases.

15 Q. Now, can you advise whether in those
16 communities that you have referred to, the more remote
17 ones, although they are road accessible in the area of
18 the undertaking, do you know whether a publication of a
19 notice in a newspaper -- do you believe that most of
20 the trappers who trap in the area of the undertaking
21 would be in a community where there would be a
22 newspaper?

23 A. In almost all of those communities we
24 have done some analysis in terms of newspaper coverage,
25 for instance, in our own region to find out whether an

1 ad in a specific newspaper will be effective at
2 reaching people in community A, B or C.

3 I guess I would use the illustration of
4 Hornepayne in our region as being a relatively remote
5 community. It has got a numbered highway through it
6 but it is 2 1/2 hours drive off Highway 11, and we can
7 get relatively good coverage of a place like Hornepayne
8 if we are selective about which newspaper we put our
9 ads in, and if we wanted to reach the people in
10 Hornepayne we would pick the newspaper that we know has
11 the best coverage in that community.

12 Q. So you can reach all of those
13 communities through newspapers?

14 A. In most cases. There are some other
15 tools that are used in addition to newspapers that we
16 may use, public notices, we may use cable TV notices -
17 most of those communities have all got television
18 coverage - we may use the radio.

19 In a place like Gogama, we send notices
20 in everybody's mailboxes as a way of getting it because
21 in that community, for that time of the year, that was
22 the most effective way of reaching people.

23 Q. And just in terms of -- I think a lot
24 of that questioning about remote communities was a
25 spinoff of a discussion about trapping or trappers.

1 And in the area of the undertaking, are you able to
2 give any generality as to the method by which most
3 trappers get to and from their trap line?

4 A. They drive.

5 Q. They drive. Thank you. Now, in
6 terms of remote communities, Mr. Kenrick, perhaps just
7 in relation to native communities in general, some of
8 which I understand are remote or could be remote?

9 A. Yes.

10 Q. In the Government Review Document,
11 Exhibit No. 5 to these proceedings, there is a letter
12 from the Ministry of Natural Resources to the Executive
13 Director of the Ontario Native Affairs Directorate. It
14 says:

15 "It is not uncommon for MNR staff to
16 attend native community meetings to
17 discuss natural resource management."

18 Do you agree with that?

19 A. Yes.

20 Q. It says:

21 "MNR staff will be pleased to attend
22 special meetings with remote native
23 communities with respect to timber
24 management plans when invited to do so."

25 Do you agree with that?

1 A. Yes.

2 Q. The Ministry is still willing to do
3 that?

4 A. Yes.

5 Q. Could you advise whether or why the
6 words "when invited to do so" are there?

7 It says:

8 "MNR staff will be pleased to attend
9 special meetings with remote native
10 communities with respect to timber
11 management plans when invited to do so."
12 Any significance to those words?

13 A. I can make a guess, I am not the
14 author of that.

15 Q. All right. Well then, maybe you
16 shouldn't make a guess about that. No, I think we will
17 just leave it at that. I don't think it is worth a
18 guess.

19 MR. CRYSTAL: A. Well, Mr. Freidin,
20 could I try to answer that?

21 Q. Sure.

22 A. I think that if one attended on an
23 Indian reserve without an invitation one might be
24 trespassing on the reserve.

25 Q. And is that a reason -- has that ever

1 been a reason for you not attending an Indian reserve,
2 Mr. Kenrick, without invitation?

3 MR. KENRICK: A. No.

4 MR. CRYSTAL: A. I should qualify that
5 by saying that certainly if one attended on an Indian
6 reserve when one was unwelcome, it is very possible
7 that one might be subject to trespass provisions of the
8 Indian Act.

9 Q. Thank you. Mr. Crystal, you were
10 cross-examined, I believe by Mr. Colborne, in relation
11 to the historical accuracy of some parts of your
12 evidence. Do you recall that line of questioning?

13 A. Yes.

14 Q. You indicated in your evidence that
15 the report, your written evidence had been vetted by
16 the Ontario Native Affairs Directorate. In fact you
17 gave -- you indicated that there was actually a number
18 of people from that Directorate around viewing your
19 computer when you were making changes to make sure
20 there was agreement?

21 A. Yes.

22 Q. Now, do you know if any of the people
23 who were involved in that process from the Ontario
24 Native Affairs Directorate were professional historians
25 familiar with the area of history that you dealt with

1 in your report?

2 A. Yes, there was one gentleman who was
3 present during the discussion and in that participation
4 that I described, Dr. David McNabb who has his
5 doctorate in history and has worked originally for the
6 Ministry of Natural Resources and now works for the
7 Ontario Native Affairs Directorate, specifically on
8 these lands and resources issues.

9 Q. Thank you, Mr. Crystal. The question
10 is for you, Mr. Crystal. In his cross-examination, Mr.
11 Colborne referred to a document which was marked
12 Exhibit 226, it is called Rising to the Challenge. It
13 is a report by Dr. Pierce where he deals with the fresh
14 water fisheries across the country.

15 Now, I just want to refer to the
16 acknowledgement on page 4, Roman Numeral IV, and it
17 states in part:

18 "Many others provided helpful comments
19 and advice..." says Dr. Pierce. Among
20 them is a list of names and the list includes the name
21 of Mel Crystal.

22 Can you tell me, do you know that Mel
23 Crystal?

24 A. Very well.

25 Q. Is it you?

1 A. Yes, it is. Could you advise what
2 area that you provided such comments and/or advice?

3 A. Well, the -- my involvement
4 essentially was -- in the preparation of that document
5 I believe that Dr. Pierce held several different
6 workshops on several different topics, and one day he
7 invited me to such a workshop on native fishery and he
8 invited me to give a presentation on my views of the
9 laws relating to native fisheries and my experience
10 that I had obtained through negotiations of -- on this
11 issue.

12 And, in attendance, were people from the
13 federal government and native people who are concerned
14 about fishing from all across Canada and I made a
15 presentation which was in many ways very similar to the
16 presentation that I made to the Board on -- in our
17 direct evidence.

18 He subsequently prepared the chapter on
19 native fisheries and sent it to me and asked me for my
20 comments and I did some editorial work to the paper
21 that he gave to me and I sent it back to him and I
22 think I subsequently got a letter of, thanks for all
23 your help, and then when I reviewed the final document
24 that you have got there before you, I noticed, you
25 know, that much of the material that I had worked on in

1 the draft and also that I had delivered in the workshop
2 was incorporated into that chapter.

3 Q. Thank you. Mr. Kenrick, I have a
4 couple of questions for you, they relate to the
5 strategic planning for Ontario fisheries. And if I
6 might, just to put things into context, refer you to
7 the transcript at page 7597.

8 If I can just read to you some excerpts
9 from the examination of you by Mr. Williams in relation
10 to that particular matter.

11 "Q. During the 1970s, the mid-1970s,
12 I believe that is about the time you
13 joined the Ministry, so you would
14 undoubtedly be privy to this particular
15 activity of the Ministry. Is my
16 understanding that during the mid-70s
17 the Federal/Provincial Committee for
18 Ontario Fisheries was set up to develop
19 a long range proposal concerning the
20 future fisheries management programs in
21 the province. I understand that this
22 proposal is called the Strategic Planning
23 for Ontario Fisheries? "

24 A. SPOF, I am aware of."

25 And then going over to page 7598, you

1 indicated:

2 "I am aware of the concepts in it and I
3 am also aware that the fisheries
4 objectives that the Ministry generated in
5 this exercise flowed from the early 70s
6 direction and concepts that were in
7 SPOF. They weren't meant to be
8 inconsistent in any way, shape or form."
9 And Mr. Williams says:

10 "I can assure you I won't be going beyond
11 your range of expertise and I simply
12 wanted to have your understanding as to
13 whether or not the SPOF proposal in fact
14 does represent a detailed and
15 comprehensive analysis of fishery
16 management needs and whether it contained
17 major policy implications and recommended
18 major courses of action that were
19 addressed by the Ministry."

20 Your answer was:

21 "At the time it was done, I understood
22 that it recommended major directions the
23 fisheries program should go. It took
24 a look at the major issues of the day and
25 tried to chart a course through the

1 1970s."

2 Now, that was evidence in relation to
3 SPOF during the examination by Mr. Williams.

4 Now, Mr. Colborne also dealt with
5 fisheries in his cross-examination and, as I have
6 already indicated, he relied on Exhibit 226, the
7 document called Rising to the Challenge.

8 I want to read to you something on page
9 45, the last two paragraphs on page 45, and then I am
10 going to ask you some questions about those two pages.
11 This is under the heading Fisheries Management
12 Arrangements.

13 "Perhaps the most ambitious federal/
14 provincial undertaking in the field of
15 co-operative fisheries planning and
16 management was Strategic Planning for
17 Ontario's Fisheries, SPOF, developed by
18 a federal/provincial task force in the
19 mid-1970s. This was a program that grew
20 out of increasing concern about the
21 deterioration of fish stocks in Ontario
22 and the realization that the traditional
23 approach to fisheries management
24 oriented to the development, exploitation
25 and open access was no longer

1 appropriate. Many of the proposals I
2 endorsed in this report were also urged
3 by SPOF, including the need for more
4 explicit user pay policies, controlled
5 access to the resource, support of
6 experimental management, attention to
7 environmental quality, explicit
8 allocations, and new working arrangements
9 between fisheries agencies and other
10 institutions. Unfortunately, the federal
11 government withdraw its support from SPOF
12 when the time came to provide funds to
13 carry out its proposals. The program is
14 now being implemented by the Province of
15 Ontario alone."

16 Now, Mr. Kenrick, does the excerpt that I
17 just read to you include the recommended major
18 directions that you referred to in your answer to Mr.
19 Williams?

20 MR. KENRICK: A. It appears to.

21 Q. Can I just refer you sort of
22 one-by-one to those particular major directions, and
23 perhaps you could advise me in relation to them as we
24 go through them one at a time whether, to your
25 knowledge, those particular recommendations are being

1 implemented by the Ministry of Natural Resources or
2 some other part of the Ontario government.

3 The first matter referred to were more
4 explicit user pay policies.

5 A. Resident sports fish licence would be
6 an illustration of that.

7 Q. Controlled access to the resource?

8 A. I am not quite sure what that refers
9 to. In terms of limiting access to the resource, it
10 might be some of the rationalization of the commercial
11 fishing industry.

12 Q. What do you mean by that?

13 A. Reducing it in some areas.

14 Q. Dr. Pierce has indicated that these
15 things are being implemented by the province. I am
16 just asking you whether you sort of agree but whether
17 you can just sort of give some examples. So don't feel
18 that you have got to know about every one of these
19 things, Mr. Kenrick.

20 The next matter referred to was support
21 of experimental management. So my question is: Do you
22 know what is being done or being implemented by the
23 Ministry in relation to that particular matter?

24 A. An illustration out of our own region
25 is that we have recently added to our staff an enhanced

1 fisheries biologist specifically to address fisheries
2 research items as opposed to ongoing programs.

3 Q. An example then -- can you provide an
4 example of how attention to environmental quality,
5 again, in relation to fisheries?

6 A. Attempts to rebuild the fisheries in
7 the Great Lakes. I think it is broader than just the
8 Ministry of Natural Resources, but...

9 Q. Explicit allocations?

10 A. I would assume that perhaps some of
11 the direction that the native fishing agreement may be
12 going in is part of an attempt to perhaps provide some
13 allocations. There have been some attempts using road
14 management tools to perhaps allocate fisheries in a
15 particular water body or, if you will, dedicated to the
16 commercial tourism industry or a portion of the
17 business.

18 Q. And the last one, new working
19 arrangement between fisheries agencies and other
20 institutions?

21 A. The Community Fisheries Involvement
22 Program, I think, where what we are trying to do is
23 have more joint projects with individuals, angler
24 groups, public groups.

25 MR. FREIDIN: Those are my questions, Mr.

1 Chairman.

2 MR. MARTEL: Can I ask Mr. Kenrick one
3 question?

4 In the licensing arrangement, MNR used to
5 get a certain amount of money for stocking and so on.
6 The licence money, is it now over and above what you
7 received previously to enhance the program, or is it
8 basically the same amount of money that MNR uses?

9 MR. KENRICK: In my own region, sir, it
10 is over and above.

11 MR. MARTEL: It is over and above?

12 MR. KENRICK: Yes.

13 MR. FREIDIN: Mr. Chairman, I think Ms.
14 Blastorah wants to provide whatever information we have
15 at the moment in relation to undertakings which were
16 given during this panel.

17 So if she could just read into the record
18 the response to some of them, I would rather do that
19 now as opposed to delay providing this information
20 until we got a total package together.

21 THE CHAIRMAN: Very well.

22 MS. BLASTORAH: I don't think the
23 microphone is working, Mr. Chairman, so I think I will
24 just try to speak up.

25 The first undertaking was given on

1 September the 8th, and that was to provide copies of
2 revised Figure 27 which was a map of producing mines in
3 Ontario and I believe, as I recall, the deletion was
4 gravel pits, particularly in the southern Ontario
5 region.

6 Is that correct, Mr. Kenrick?

7 MR. KENRICK: Yes, and additions of some
8 metallic mines in the north.

9 MS. BLASTORAH: So I do have copies for
10 the Board, as well as anyone else who would like one.

11 THE CHAIRMAN: Thank you.

12 MS. BLASTORAH: Perhaps I will just leave
13 those on the table here and anyone who would like one
14 can take one.

15 THE CHAIRMAN: Do you want this in as an
16 exhibit?

17 MS. BLASTORAH: I think that would be a
18 good idea.

19 THE CHAIRMAN: Very well. Exhibit 265, I
20 believe.

21 ---EXHIBIT NO. 265: Revised Figure 27.

22 MS. BLASTORAH: Secondly, on September
23 14th, 1988 I believe it was roughly in the area of the
24 transcript at pages 7792 to 7795, an undertaking was
25 given to Mr. Colborne in relation to some questions he

1 asked about the split between native and non-native
2 employees in the Ministry's northern region, and also
3 I recall at some point - and I am not sure that you are
4 aware - in the transcript asked some questions about
5 the absolute number of native people, both classified
6 and unclassified, on MNR's staff as well in relation to
7 the evidence given by Mr. Kenrick.

8 I firstly want to point out that the
9 June, 1986 I Count Survey which was referred to was
10 conducted by the Human Resources Secretariat not by the
11 Ministry of Natural Resources and the response to that
12 survey was on a voluntary self-reporting basis.

13 In the case of the Ministry of Natural
14 Resources there was approximately a 70 per cent
15 response rate and the response rate was broken down by
16 classified and unclassified status as follows:

17 Non-native classified staff, 2,772;
18 native classified staff, 45; non-native unclassified
19 staff, 2,772; native unclassified staff 166.

20 49.8 per cent of the Ministry's
21 respondents -- the Ministry of Natural Resources'
22 respondents were employed in northern Ontario, whereas
23 70 per cent of all native employees who responded to
24 the survey were located in the Ministry's northern
25 regions.

1 Since we do not have any record of the
2 actual response rate for each of the four categories,
3 I have indicated it is not possible to project with
4 confidence the actual number of employees from this
5 data source.

6 I should also note that 17.3 per cent of
7 all native respondents were employed within the
8 Ministry of Natural Resources, whereas Ministry
9 respondents as a group were 11 per cent of all
10 respondents both native and non-native.

11 The next undertaking was given again on
12 September 14th and again to Mr. Colborne. He asked for
13 a breakdown as between resident and non-resident usage
14 of the figures given on page 134 in Figure 43 related
15 to the Quetico Provincial Park. And I can advise that
16 non-resident usage of the park is 88 per cent based on
17 the most recent data available.

18 Again on September 14th, and I believe
19 the transcript reference is at page 7855, an
20 undertaking was given to Mr. Colborne to advise whether
21 deputy conservation officers who are not otherwise
22 employed by the Ministry of Natural Resources are paid.
23 And I can advise that there are three types of deputy
24 conservation officers acting for the Ministry of
25 Natural Resources.

1 The first category is permanent Ministry
2 deputy conservation officers who are paid as regular
3 employees in the Ministry of Natural Resources. They
4 are required to take the Ministry's deputy conservation
5 officer training course. They usually also have an
6 Ontario Police College diploma and they usually work
7 with permanent conservation officers as opposed to
8 deputy conservation officers.

9 The second category of deputy
10 conservation officers are seasonal DCOs who are hired
11 on a seasonal basis to perform the duties of deputy
12 conservation officers, for example, during the fall
13 deer hunt or the spring fish run and they are paid as
14 casual staff. They are also required to take the
15 Ministry's DCO training course and they also usually
16 work with conservation officers.

17 The third category are voluntary deputy
18 conservation officers who are interested citizens
19 appointed to assist conservation officers. Again, they
20 are required to take the Ministry's DCO training course
21 and in this area are only allowed to work as assistants
22 to conservation officers. They are not paid and a
23 limited number per district are recommended by --
24 recommended for this position as determined by the
25 district manager.

1 All appointments of deputy conservation
2 officers are approved by the Minister of Natural
3 Resources.

4 Lastly, Mr. Chairman, I believe it was
5 yesterday Mr. Hunter stated with regard to the 1979
6 leniency guidelines that, subject to verification the
7 Ministry of Natural Resources, leniency guidelines were
8 developed on the urging of the Attorney General's
9 Office, and we have verified that the guidelines were
10 initiated and developed by a Mr. Ted Wilson of the
11 Ministry of Natural Resources on the direction of the
12 Ministry's Deputy Minister.

13 THE CHAIRMAN: MNR's?

14 MS. BLASTORAH: MNR, yes. I am also
15 advised that the Ministry of Natural Resources staff
16 and that Ministry staff, that is of Natural Resources,
17 and Indian leaders were concerned at the time about a
18 consistent application of game and fish laws with
19 respect to Indian people and treaty rights.

20 The guidelines were an interim compromise
21 developed by the Ministry of Natural Resources to meet
22 Indian and non-Indian concerns with respect to the
23 enforcement of fish and game laws pending final
24 resolution of the exact extent and nature of treaty and
25 aboriginal rights.

1 THE CHAIRMAN: Thank you.

2 Well, ladies and gentlemen -- do you have
3 something further?

4 MR. FREIDIN: Just one other thing. In
5 terms of, I know you have to deal with when we come
6 back. Witness Panel 7 includes Mr. Kennedy and Mr.
7 Kennedy has advised me that for personal reasons he is
8 unable to be here on November the 1st, which I guess is
9 the Monday.

10 And, as a result of that, Mr. Chairman,
11 if it is possible to reconvene on November the 2nd as
12 opposed to the 1st, it would be appreciated.

13 THE CHAIRMAN: Tuesday I believe is
14 November the 1st; is it not?

15 MR. MANDER: Yes.

16 THE CHAIRMAN: So what you are indicating
17 is that Tuesday is not a problem; is that correct?

18 MR. FREIDIN: No, November the 1st is the
19 problem.

20 THE CHAIRMAN: Oh, sorry. Tuesday is the
21 1st.

22 MR. FREIDIN: I was unclear if that was
23 November the 1st. I still make the request.

24 THE CHAIRMAN: So that would mean
25 starting on the Wednesday?

1 MR. FREIDIN: That's correct.

2 THE CHAIRMAN: And going through the --

3 MR. FREIDIN: We can come up, if you
4 want, the night before and we can start and get a full
5 day in on Wednesday.

6 THE CHAIRMAN: That is not the problem.
7 I want to make sure that the Friday is not a problem.

8 MR. FREIDIN: All right.

9 THE CHAIRMAN: Okay. I think Friday is
10 all right. We are planning to sit that day in any
11 event.

12 So that for the adjournment then we will
13 return on the Wednesday, to start on November the 2nd,
14 and sit the Wednesday, Thursday and Friday of that week
15 and then continue on.

16 It is the Board's intention to finish
17 Panel 7, hopefully before the site visit and, if not,
18 we will return for a sitting immediately after the site
19 visit for the, I think it is the last week of November
20 and into the beginning of December, if necessary, to
21 finish off Panel 7.

22 Because it is the Board's intention to
23 return on February the 1st - and I am not sure anyone
24 has checked the date on February 1st.

25 MR. MANDER: It is a Wednesday.

1 THE CHAIRMAN: It is a Wednesday. Well,
2 we have issued the ruling and that has gone out, so I
3 think we will recommence the sitting on February the
4 1st for the start of Panel 8.

5 MR. FREIDIN: That will be Wednesday.

6 THE CHAIRMAN: I realize that. But
7 otherwise, we would have to change everything going
8 back into some date in January, and I think it would be
9 preferable if we left it to February the 1st since that
10 was the essence of our ruling.

11 MR. CAMPBELL: Mr. Chairman, on returning
12 on Wednesday, November 2nd, did you want an early start
13 that morning?

14 THE CHAIRMAN: I think that would
15 probably be preferable as well, if we all attempted to
16 come in the night before rather than starting at 1:00
17 in the afternoon because we are still going to have to
18 leave on Friday, we should perhaps try and start by
19 9:30 on the Wednesday and everyone should just plan on
20 coming in the night before.

21 Now, with respect to another matter that
22 we want to cover at this point, I would like to ask all
23 counsel present to indicate to the Board, if they have
24 this information at this point, where their clients
25 would like to present their evidence, at which

1 location. And the choices you have, of course, are
2 from the original list of some 14 or 15 locations the
3 Board designated early on.

4 If we could have an indication at this
5 time it would be helpful. All parties are supposed to
6 be notifying the Board by September 30th as to their
7 intended locations to adduce evidence so that we can
8 start seriously looking at logistical arrangements.

9 Perhaps we can start with you, Mr.
10 Cassidy? Do you have any idea?

11 MR. CASSIDY: Yes, I do, Mr. Chairman.

12 I think I have already advised the Board
13 that both my clients intend to call their evidence in
14 Thunder Bay.

15 THE CHAIRMAN: How about you, Mr.
16 Campbell?

17 MR. CAMPBELL: Mr. Chairman, I have a
18 meeting in Toronto on Friday morning at which I expect
19 to receive instructions on this matter. I do not have
20 instructions today.

21 THE CHAIRMAN: Very well.

22 Mr. Williams?

23 MR. WILLIAMS: Mr. Chairman, my
24 recollection is you issued a directive early on in the
25 hearings that we respond within 60 days after

1 commencement of the hearings as to where we will be
2 adducing our evidence. Accordingly, we had advised you
3 in writing that the Federation would be submitting its
4 evidence in Toronto.

5 THE CHAIRMAN: Thank you.

6 Mr. Castrilli, I understand that your
7 clients are also considering Toronto?

8 MR. CASTRILLI: Yes, Mr. Chairman.

9 THE CHAIRMAN: Now, I realize that this
10 is probably not possible to forecast with any degree of
11 accuracy, but do the counsel here have any kind of a
12 ballpark figure on length of time to present their
13 evidence?

14 Oh, I'm sorry.

15 MS. PITCHER: I am hiding behind the
16 post. Mr. Reilly is awaiting further confirmation from
17 his clients but we would expect Sault Ste. Marie would
18 be our location.

19 THE CHAIRMAN: Sault Ste. Marie.

20 MS. PITCHER: Thank you.

21 THE CHAIRMAN: Thank you.

22 Going back to the wild ballpark estimates
23 of time, Mr. Castrilli, you advised me yesterday, I
24 believe, that your clients might be looking at
25 something like four to five months; is that as

1 accurate as you can be at this time?

2 MR. CASTRILLI: That's correct, Mr.
3 Chairman. And, as you indicated at the outset, that is
4 a wild ballpark estimate that is obviously dependent
5 upon quite a number of factors, including what the
6 remainder of the Ministry's case is, what the nature
7 and type and extent of the case of the other parties in
8 support will be, and also the condition of our
9 financial resources at that fairly distant point in the
10 future.

11 But subject to all those caveats and any
12 others I may have forgotten--

13 THE CHAIRMAN: Spoken like a true
14 counsel.

15 MR. CASTRILLI: --four months is as
16 accurate as we are prepared to be at this point in
17 time.

18 THE CHAIRMAN: Very well. Mr. Williams?

19 MR. WILLIAMS: Mr. Chairman, I am sorry,
20 but I don't think I can be of much assistance to the
21 Board in that regard this evening but I don't think we
22 are talking about months, as Mr. Castrilli is,
23 possibly.

24 THE CHAIRMAN: A much shorter time than
25 Mr. Castrilli?

1 MR. WILLIAMS: Yes.

2 THE CHAIRMAN: It is up to you, Mr.
3 Castrilli, you are controlling Mr. Williams' time
4 allocation here.

5 MR. WILLIAMS: We have to be precise.

6 THE CHAIRMAN: Okay.

7 MR. WILLIAMS: Sorry, I can't be more
8 helpful than that at this point.

9 THE CHAIRMAN: Okay. Mr. Cassidy, do you
10 have any idea in respect to your clients?

11 MR. CASSIDY: No. The best estimate I
12 can give you is that we are talking months, but...

13 THE CHAIRMAN: You are talking --
14 sorry...?

15 MR. CASSIDY: We are talking in terms of
16 months as opposed to anything less. That is the best
17 estimate I can give you.

18 THE CHAIRMAN: Does Mr. Reilly have any
19 idea at this point?

20 MS. PITCHER: I'm sorry, we will have to
21 await confirmation which will be this week.

22 THE CHAIRMAN: All right. And has any of
23 the other counsel had any conversations with Mr. Hunter
24 as to any indication of how long he might be?

25 MS. PAWLOWSKI: No idea.

1 THE CHAIRMAN: No idea.

2 Well, the problems that we are going to
3 be facing are simply: After the conclusion of the
4 Ministry's case the industry will be on next and so we
5 will still be in Thunder Bay - and I do not know about
6 the other parties in support, we should find that out a
7 little later - but when we move to those in opposition,
8 we are probably going to have to move down to Toronto
9 for that period of time and then, if necessary, come
10 back either to Thunder Bay or other locations.

11 Once again, there are other parties in
12 opposition that may be relying on Mr. Castrilli's case
13 to assist them in their own cases and, therefore, it is
14 important that, as far as the Board is concerned, that
15 Mr. Castrilli's coalition go first in terms of those
16 parties in opposition because their evidence may well
17 affect the degree to which parties following in
18 opposition allocate their time and resources.

19 So that we cannot shift that order. So
20 it may mean going back to Toronto and then it may mean
21 coming back here and I would presume that Mr. Hunter,
22 who may be of some length as well, will be adducing his
23 case either here or in Sault Ste. Marie or some other
24 area in the northwest.

25 MS. PAWLOWSKI: Sioux Lookout.

1 THE CHAIRMAN: Sioux Lookout, I am sorry.
2 So that we will have to move out there and just move
3 around, if necessary. It is going to be difficult. I
4 think the Ministry is looking at ways to move the
5 evidence, or the exhibits and whatnot around the
6 province.

7 MR. FREIDIN: We are trying to move it
8 away from where the hearings are.

9 THE CHAIRMAN: And we will do our best,
10 but we are not going to be able to shift the order of
11 the parties just to accommodate necessarily where we
12 are sitting, because the order of the presentations, in
13 the Board's view, is of some importance.

14 Well, ladies and gentlemen, the Board
15 wishes you all a fond farewell for the next few weeks
16 and we will be returning on November the 2nd to
17 commence with Panel 7 and proceed from there.

18 MR. FREIDIN: Mr. Chairman, I think the
19 witness panel is waiting for the magic word from you.
20 They want to actually hear you say it.

21 THE CHAIRMAN: That they are formally
22 discharged? You have it.

23 MR. CRYSTAL: Thank you.

24 THE CHAIRMAN: Thank you, Panel.

25 --- (Panel withdraws)

1 ---Whereupon the hearing adjourned at 11:25 a.m., to be
2 reconvened on Wednesday, November 2nd, 1988,
3 commencing at 9:30 a.m.
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